# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---|
| In re Application of: | § | Attorney Docket No. **AT9-98-024** |
| **JOHN MADDALOZZO JR.** | § | |
| | § | |
| Serial No.: **09/071,189** | § | Examiner: **SHANKAR, VIJAY** |
| | § | |
| Filed: **MAY 01, 1998** | § | |
| | § | |
| For: **METHOD AND SYSTEM FOR** | § | Art Unit: **2629** |
| **TOUCH SCREEN KEYBOARD AND** | | |
| **DISPLAY SPACE SHARING** | | |

## REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby request to withdraw holding of abandonment for the above-identified patent application to correct an erroneous error made by the U.S. Patent and Trademark Office as set forth below.

On October 17, 2003, the U.S. Patent and Trademark Office mailed an Office Communication (Exhibit "A") notifying Applicant that the Appeal Brief filed on July 31, 2003 was defective. On November 11, 2003, Applicant submitted a Transmittal with a Substitute Appendix (Exhibit "B") which corrected the errors identified in the Appeal Brief in the Office Communication mailed on October 17, 2003. On September 28, 2005, Applicants attorney submitted a Change of Address.

On August 10, 2007, the U.S. Patent and Trademark Office mailed a Notice of Abandonment (Exhibit "C") for failure to timely submit a Supplemental Appeal Brief in response to the Office Communication dated October 17, 2003.

On August 13, 2007, Applicants' attorney, Andrew J. Dillon, had a telephone conference with Examiner Shenkar who indicated that he would revive the application as noted on our firm internal docket sheet for the above-identified application (Exhibit "D").

As shown above, Applicant responded in a timely manner to the Office Communication dated October 17, 2003. The U.S. Patent and Trademark Office erroneously abandoned the referenced application and Applicant hereby requests that the U.S. Patent and Trademark Office withdraw the holding of abandonment for the referenced application.

No fee is believed to be required at this time; however, in the event any fees are required, please charge **IBM Corporation Deposit Account No. 09-0447**.

Respectfully submitted,

Brian F. Russell
Registration No.: 40,796
DILLON & YUDELL LLP
8911 N. Capital of Texas Hwy., Suite 2110
Austin, Texas 78759
512-343-6116

ATTORNEY FOR APPLICANT(S)

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/071,189 | 05/01/1998 | JOHN MADDALOZZO JR. | AT9-98-024 | 5241 |

7590        10/17/2003

BRACEWELL & PATTERSON LLP
Intellectual Property Law
P O Box 969
Austin, TX 78767-0969

| EXAMINER |
|---|
| SHANKAR, VIJAY |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2673 | |

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 09/071,189 | | | |

| | EXAMINER |
|---|---|
| | |

| ART UNIT | PAPER |
|---|---|
| | 19 |

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

The Appeal Brief filed on 7-31-2003 is defective.
A new Appeal Brief is now required

VIJAY SHANKAR
Primary Examiner
Art Unit: 2673

## DETAILED ACTION

1.        The appeal brief filed on  7-31-2003  is defective because  Claims 1-4,

6-11 and 13-21  are not  same as  the Amended Claims  1-4, 6-11 and 13-21  filed with

Amendment A which was filed on 7-6- 2000.  Also,  Claim 22 is  a canceled claim.

There is only Claims 1-21 in application for  the  appeal.


    To avoid dismissal of the appeal, appellant must ratify the appeal brief within the

longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS

from the mailing of this communication, whichever is longer; (2) within the time period

for reply to the action from which appeal has been taken; or (3) within two months from

the date of the notice of appeal under 37 CFR 1.191.  Extensions of these time periods

may be granted under 37 CFR 1.136.

2.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VIJAY  SHANKAR whose telephone number is 703-305-

4763.  The examiner can normally be reached on M-F  7:00-6:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, BIPIN  SHALWALA can be reached on 703-305-4938.  The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

        Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-306-

0377.

VIJAY  SHANKAR
Primary Examiner
Art Unit 2673

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Exhibit "B"     2673

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No.: AT9-98-024

| | | |
|---|---|---|
| In re Application of: | § | |
| | § | |
| **MADDALOZZO ET AL.** | § | |
| | § | Examiner: **Shankar, V.** |
| Serial No.: **09/071,189** | § | |
| | § | Art Unit: **2673** |
| Filed: **May 1, 1998** | § | |
| | § | **RECEIVED** |
| For: **METHOD AND SYSTEM FOR TOUCH** | § | |
| **SCREEN KEYBOARD AND DISPLAY SPACE** | § | NOV 1 0 2003 |
| **SHARING** | § | |
| | § | Technology Center 2600 |

## TRANSMITTAL

Commissioner for Patents
Mail Stop: Appeal Briefs-Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits herewith a Substitute Appendix (in triplicate) for the above-identified application. Please note claims 1-21 and 22-39 of the Substitute Appendix, are submitted herein as explained within Amendment A, filed July 6, 2000, as addressed by the Examining Attorney.
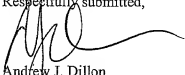
No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Andrew J. Dillon
*Reg. No. 29,634*
BRACEWELL & PATTERSON, L.L.P.
P.O. Box 969
Austin, Texas 78767-0969
(512) 542-2100
ATTORNEY FOR APPLICANTS

1. A method in a portable computer having a display screen for supporting increased portable computer compactness, said method comprising the steps of:

      displaying data within said display screen;

      partitioning said display screen into a touch-sensitive input area and a display area;

      detecting if a user's hands are positioned at said touch-sensitive input area; and

      graphically displaying a touch-sensitive pad at said touch-sensitive input area, in response to detecting a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive pad to enter data to be displayed in said display area.

2. The method of claim 1 further comprising the steps of:

      detecting if said user's hands are no longer positioned at said touch-sensitive input area; and

      concealing said touch-sensitive pad from view, in response to detecting that said user's hands are no longer positioned at said touch-sensitive input area.

3. The method of claim 2 wherein the step of graphically displaying a touch-sensitive pad comprises the step of:

      graphically displaying a touch-sensitive keyboard at said touch-sensitive input area, in response to detecting a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive keyboard to enter data to be displayed in said display area.

4. The method of claim 3 wherein the step of graphically displaying a touch-sensitive keyboard comprises the step of:

      graphically displaying a transparent touch-sensitive keyboard at said touch-sensitive input area, in response to detecting a user's hands positioned at said touch-sensitive area, such that a user may utilize said transparent touch-sensitive keyboard to enter data to be displayed in said display area.

5. The method of claim 4 further comprising the step of displaying data in said display area within said display screen, in response to user data entry at said transparent touch-sensitive keyboard.

6. The method of claim 5 wherein the step of graphically displaying a touch-sensitive keyboard comprises the step of:

graphically displaying a touch-sensitive ergonomic keyboard at said touch-sensitive input area within said display screen, in response to detecting a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive ergonomic keyboard to enter data to be displayed in said display area.

7. The method of claim 6 further comprising the steps of:

analyzing physical characteristics associated with said user while said user is entering a particular sequence of data utilizing said touch-sensitive keyboard; and

in response to analyzing said physical characteristics, configuring a sensitivity level for said touch-sensitive keyboard according to said physical characteristics.

8. A portable data processing system comprising:

a display screen and means for displaying data within said display screen;

means for partitioning said display screen into a touch-sensitive input area and a display area;

means for detecting if a user's hands are positioned at said touch-sensitive input area; and

means for graphically displaying a touch-sensitive pad at said touch-sensitive input area, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive pad to enter data to be displayed in said display area.

9. The system of claim 8 further comprising:

means for detecting if said user's hands are no longer positioned at said touch-sensitive input area; and

means for concealing said touch-sensitive pad from view, in response to detecting that said user's hands are no longer positioned at said touch-sensitive input area.

10. The system of claim 9 wherein said means for graphically displaying a touch-sensitive pad comprises:

means for graphically displaying a touch-sensitive keyboard at said touch-sensitive input area within said display screen, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive keyboard to enter data to be displayed in said display area.

11. The system of claim 10 wherein said means for graphically displaying a touch-sensitive keyboard at said touch-sensitive input area comprises:

means for graphically displaying a transparent touch-sensitive keyboard at said touch-sensitive input area within said display screen, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said transparent touch-sensitive keyboard to enter data to be displayed in said display area.

12. The system of claim 11 further comprising means for displaying data in said display area within said display screen, in response to user data entry at said transparent touch-sensitive keyboard.

13. The system of claim 12 wherein said means for graphically displaying a touch-sensitive keyboard comprises:

means for graphically displaying a touch-sensitive ergonomic keyboard at said touch-sensitive input area, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive ergonomic keyboard to enter data to be displayed in said display area.

14. The system of claim 13 further comprising:

means for analyzing physical characteristics associated with said user while said user is entering a particular sequence of data utilizing said touch-sensitive keyboard; and

means for configuring a sensitivity level for said touch-sensitive keyboard according to said physical characteristics, in response to analyzing said physical characteristics.

15.  A program product that supports increased portable computer compactness, said program product comprising:

data display instructions for displaying data within a display screen of a portable computer;

partition instructions for partitioning said display screen into a touch-sensitive input area and a display area;

detection instructions for detecting if a user's hands are positioned at said touch-sensitive input area;

pad display instructions for graphically displaying a touch-sensitive pad at said touch-sensitive input area within said display screen, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive pad to enter data to be displayed in said display area; and

a computer usable medium encoding said data display instructions, said partition instructions, said detection instructions, and said pad display instructions.

16.  The program product of claim 15, wherein said computer usable medium further encodes:

instruction means for detecting if said user's hands are no longer positioned at said touch-sensitive input area; and

instruction means for concealing said touch-sensitive pad from view, in response to detecting that said user's hands are no longer positioned at said touch-sensitive input area.

17.  The program product of claim 16 wherein said pad display instructions comprise:

keyboard display instruction for graphically displaying a touch-sensitive keyboard at said touch-sensitive input area, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive keyboard to enter data to be displayed in said display area.

18. The program product of claim 17 wherein said keyboard display instructions graphically display a transparent touch-sensitive keyboard at said touch-sensitive input area within said display screen, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said transparent touch-sensitive keyboard to enter data to be displayed in said display area.

19. The program product of claim 18 wherein said data display means displays data in said display area within said display screen, in response to user data entry at said transparent touch-sensitive keyboard.

20. The program product of claim 19 wherein said keyboard display instructions graphically display a touch-sensitive ergonomic keyboard at said touch-sensitive input area, in response to detection of a user's hands positioned at said touch-sensitive area, such that a user may utilize said touch-sensitive ergonomic keyboard to enter data to be displayed in said display area.

21. The program product of claim 20, wherein said computer usable medium further encodes:

analyzing instructions for analyzing physical characteristics associated with said user while said user is entering a particular sequence of data utilizing said touch-sensitive keyboard; and

means for configuring a sensitivity level for said touch-sensitive keyboard according to said physical characteristics, in response to analyzing said physical characteristics.

Claims 22-39 (canceled)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/071,189 | 05/01/1998 | JOHN MADDALOZZO JR. | AT9-98-024 | 5241. |

| 42640          7590       08/10/2007 |
|---|
| DILLON & YUDELL LLP |
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| SUITE 2110 |
| AUSTIN, TX 78759 |

| EXAMINER |
|---|
| SHANKAR, VIJAY |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2629 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 08/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Notice of Abandonment** | 09/071,189 | MADDALOZZO ET AL. |
| | **Examiner** | **Art Unit** | |
| | VIJAY SHANKAR | 2629 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address*--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on <u>17 October 2003</u>.

    (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____ ), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

    (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

        (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

    (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

    (d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

    (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

    (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

        The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

    (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

    (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

    (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

    The supplemental Appeal Brief was not filed for defective Appeal Brief.

VIJAY SHANKAR
Primary Examiner
Art Unit: 2629

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# Events D&Y Listing with Children

Exhibit "D"

**Matter ID/Client Sort**
**Matter Description**

**Initials**

 0116AD.AT9-98-024          IBM Corporation - AUS          BFR, AD
M/S for Touch Screen Keyboard and Display Space
09/071,189

Event Date:    8/10/2007
Completed Date:
Notice of Abandonment received from Patent and Trademark Office

| Due Date | Completed Date | Notes |
|----------|----------------|-------|
| 9/13/2007 | | SC:  Examiner's Answer or confirmation of revival of application--per AJD's t/c w/Ex. Shenkar on 8/13/07 |